

1 JUDGE ROBERT J. BRYAN
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5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 UNITED STATES OF AMERICA,)
9 Plaintiff,) No. CR15-5010RJB
10 vs.)
11 HENRY CROSS, JR.,) ORDER ON DEFENDANT'S
12 Defendant.) MOTION TO CONTINUE
13) PRE-TRIAL MOTIONS CUTOFF
14) DATE AND TRIAL DATE
15)
16)

17 Before this court is a motion to continue the pre-trial motions cutoff,
18 and the trial date presently scheduled for March 16, 2015.

19 At this time, counsel recently received discovery in this matter but
20 has not as of yet been able to review and discuss the same with the defendant.

21 Mr. Cross is aware of this motion, has no objection to a
22 continuance, and joins in this motion. Mr. Cross shall file a waiver of speedy trial.

23 AUSA Ye-Ting Woo is aware of this motion and has no objection to
24 this request, nor does Linda Sullivan, attorney for Kenneth Elofson-Gilbertson,
25 Phillip Brennan, attorney for Jake Butterfield and Charles Johnston, attorney for
Juliette Charles-Elofson. The remaining co-defendant, Michelle Davis, has not
had her initial appearance, therefore, she has not been appointed counsel as of
yet.

1 That the court finds, after a consideration of all relevant information
2 (including the affidavit filed by Casey M. Arbenz in support of the motion for a
3 continuance) and the circumstances of this case, that without this continuance
4 defendant Henry Cross, Jr., will be prejudiced and the ability to properly prepare
5 for trial would be impaired. Failure to grant a continuance under these
6 circumstances would result in a miscarriage of justice. The ends of justice would
7 best be served by the granting of the motion for continuance to ensure continuity
8 of counsel and adequate trial preparation. The ends of justice outweigh the best
9 interests of the public and the defendant in having the matter brought to trial
sooner.

10 For these reasons, the court finds the defendant's motion for
11 continuance should be GRANTED. The trial date is continued from March 16,
12 2015 , to July 13, 2015 at 9:30 a.m. Any pretrial motions shall be filed no later
13 than June 25, 2015.

14 The period of delay resulting from this continuance from the current
15 trial date of March 16, 2015, to the new trial date of July 13, 2015 is hereby
16 excluded for speedy trial purposes under 18 U.S.C. 3161(h)(8)(A) and (B) for
17 purposes of computing the time limitations imposed by the Speedy Trial Act, 18
18 U.S.C. § 3161-3174.

19 DATED this 13th day of February, 2015.

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22 ROBERT J. BRYAN
United States District Judge

23 Presented by:
24 HESTER LAW GROUP, INC., P.S.
Attorneys for defendant Cross

25 By: /s/ CASEY M. ARBENZ,
WSB #40581